

Forestry Law Enforcement in Wisconsin: Focus Group Findings

January 2005



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Executive Summary

This report presents the results of focus groups conducted with members of the Division of Forestry and with selected partners. The Forestry Law Enforcement Study Committee (FLESC) initiated these discussions as part of a wider study of the status of law enforcement within the forestry program. Discussion topics included employees' involvement in law enforcement, the hazards they face, the obstacles they encounter, and the training they need. These interviews uncovered a number of issues and concerns employees have about enforcement within the larger forestry program.

The Study

Independent investigators conducted this study. The focus groups were designed, moderated and analyzed by Ed Nelson (of Science Services) and Stan Schneider (environmental and conservation warden, retired). They conducted 11 groups, with a total of 65 participants. Participants included foresters, rangers, technicians, and credentialed and non-credentialed supervisors. Four in-depth individual interviews were conducted prior to the groups to pre-test the discussion outline. Researchers also held discussions with program partners including county foresters, fire chiefs, and members of the Wisconsin Woodland Owners' Association. Supplemental in-depth interviews were conducted with district attorneys and county sheriffs.

Principal Findings

Forestry personnel enforce statutes related to burning violations, managed forest law (MFL), theft of timber, and outdoor recreation. Involvement in enforcement varies according to location within the state: cooperative zones are less demanding than either the extensive or intensive zones. It also varies according to the employees' motivation and the direction they receive from their supervisors.

These conversations disclosed that employees are concerned about theft, fraud, arson, and violations of the managed forest law. The findings echo an earlier review of forestry law enforcement (1993). Timber thefts remain under- or uninvestigated and unchecked. Despite a growing MFL program, generating an enormous workload, employees feel they have few sanctions to levy against those who violate their contracts. Some feel that this laxity in enforcement threatens both the resource and the program.

Law enforcement is of low priority. Fire fighting, the managed forest law, and county forest management take precedence over enforcement. Employees are instructed that these duties must be discharged before they can initiate complex, time-consuming investigations.

Other barriers to enforcement include too little support from first-line supervisors. Some team leaders without credentials neither understand nor value enforcement. They are reluctant to commit resources to this activity. Some personnel, whether credentialed or not, are not inclined to involve themselves in enforcement. Other participants note that they themselves only intermittently enforce the law and never feel quite confident or comfortable.

A major theme in these discussions is employee safety. Forestry personnel are routinely at risk from unpredictable, upset, or hostile members of the public. They are unarmed and often alone. They may have poor communication with their dispatchers. Rangers responding to calls, for example, often don't know whom they will encounter when they reach a fire. Some participants feel that their training does not prepare them to identify and extract themselves from dangerous situations. Despite these concerns employees are not inclined to carry weapons or wear a "duty belt" with handcuffs, mace, or a baton. They regard such gear as impractical given the fire equipment they are already toting. Common sense suggests to them that carrying weapons and looking like police might cause confrontations to escalate. They prefer the "ranger friendly" appearance.

These discussions pointed towards possible program changes. These include improving training, developing lists of "at risk contacts", and creating a cadre of enforcement specialists modeled after the environmental wardens. These specialists would work with local staff on complex and time-consuming cases that might otherwise go untouched. Some feel that active enforcement would deter those who currently prey on private landowners. Regional enforcement specialists could also provide the specialized training needed to maintain the skills of local foresters, rangers, and technicians.

Introduction

In 2003 the Division of Forestry initiated a reappraisal of its forestry law enforcement program. Currently the Division is charged with investigating arson and timber theft, along with monitoring compliance with the managed forest law (MFL). To these ends, 80 of its personnel carry law enforcement credentials. Despite this apparent high level of commitment there is concern that enforcement may be falling short. Enforcement personnel may lack the resources, training or support to fully accomplish their mission. This report examines those concerns.

Background

The Forestry Law Enforcement Study Committee (FLESC)

In the summer of 2003 the Forestry Leadership Team (FLT) directed that a study committee (FLESC) be established to guide the review of forestry law enforcement. FLESC consists of 17 individuals, representing credentialed and non-credentialed foresters, rangers, technicians, Natural Resource Officers (NRO's), and others. FLESC developed the parameters for this study, which were subsequently approved by the Forestry Leadership Team. FLESC anticipates using the law enforcement concerns documented in this study to develop recommendations for consideration by the FLT.

Prior studies

This is the second study to examine the status of law enforcement within the forestry program. An earlier effort (1993) used a questionnaire consisting of open ended, essay questions to examine many of the same issues examined here. Among the recommendations from the 1993 report:

- keep rangers unarmed.
- address issues related to timber theft and fraud.
- improve inter-agency working relationships.
- improve training for technicians and other non-credentialed personnel.
- dedicate or reserve staff time for law enforcement / expand staff time dedicated to enforcement.
- make other policy and statutory changes.

Objectives of the current study

FLESC established the following general goal for its review: to examine “the current role and workload of forestry law enforcement.” More specifically the committee is examining the following issues:

- involvement in law enforcement—which statutes or types of investigations do staffers in the various categories find themselves dealing with or conducting?
- employees’ enforcement experiences and responsibilities.
- their training or preparation for these responsibilities.
- their needs for training.
- the priority that they—and others—assign to enforcement.
- threats they have encountered in the field.
- ideas for what can be done to better protect staffers.
- reactions to various proposals such as creation of a data base including “at risk contacts.”
- relationships with both internal and external partners.

Study Methodology

This study used a methodology familiar to the forestry program: focus groups. Forestry has used focus groups to gauge attitudes towards forestry and issues related to forest master planning. They offer a flexible forum where participants can feel free to describe their experiences and express their issues and concerns. The sessions are taped, detailed transcripts made, and a content analysis of comments prepared. The following table shows the number and types of people interviewed for this report.

Table 1: Forestry enforcement focus groups

Type	Number of participants	Date
County administrators	6	March 30
Non-credentialed CO staff	3	April 15
Study Committee	6	May 20
Credentialed leaders	6	June 1
Technicians	5	June 14
Rangers	6	June 15
Credentialed & non-credentialed foresters	6	June 15
Non-credentialed leaders	5	June 16
Fire chiefs	8	September 21
Wisconsin Woodland Owners	7	September 10
Central office staff—credentialed	3	June 29
Personal interviews	4	March
Total	65	

Tracking Forestry Enforcement

Forestry lacks reliable data on the time employees actually devote to law enforcement.

The Forestry program prizes hard data. It uses several systems to track employees' law enforcement activities. These include the hours they report on their time sheets, their quarterly reports, and the number of citations they issue. These data, however, are only as good as the effort and understanding that go into recording them.

The focus group discussions disclosed the following:

1. Employees do not provide a thorough account of their enforcement efforts and activities on their timesheets.
2. Quarterly and accomplishment reports only sporadically detail enforcement.
3. There is no single, consolidated source for the number of citations issued and such a count would be an imperfect measure of effort.
4. Employees lack a clear definition and understanding of which activities actually constitute law enforcement.

Quarterly report narratives

Employees may have to guess about details when they complete their quarterly reports.

Now it's on a quarterly report. It's really, really long. I don't know about you guys but I just guess when I fill in my answers because it's hard to keep track, to keep a for sure thing.

Others were unaware that their quarterly reports were supposed to include their law enforcement activities. Consider the following exchange:

I'm going to ask a dumb question here. Is there a form we're supposed to be filling out on these quarterlies?

There's a spread sheet.

There is? That's news to me.

The following shows some of the thinking that goes into supplying information for the various reports.

How many arson investigations did you have? Somebody will think I had 34 fires this year, probably half of them I investigated and determined they weren't arson, so I'll put down 34 arson investigations. Very accurate. [sarcastic.]

Time sheets

Some prefer to avoid the bother of reporting their activities with any great deal of precision.

I'm not a bean counter. I just want to do my work. I don't want to spend two-thirds of my time telling them what I did.

I agree.

Hours reported on a timesheet bear only a tenuous relationship to actual activity.

It's important for you to know: because if you're going to get those reports and use them for any kind of real statistical thing you should know that it's all made up. [Laughter.]

A day in the field consists of sundry tasks. Some that should be coded as law enforcement are not. Employees also interpret their activities differently with regard to the various time codes.

We've had this discussion before, that, you know, you could be in your eight hour day: you could have went out and checked one cutting notice, cruised a parcel, written the plan and then, on your way back, stopped to investigate a debris burner. So, it depends on how good they are with the time codes.

I've also got some guys who interpret these differently. Like I've got one guy, when it comes to writing MFL plans will only code FRDA about management plan writing for the exact amount he's writing the plan. Anything else, drawing the maps, doing the recon, everything else goes under administration. So I think that there is a wide variety in how people have been figuring where their time falls into these time codes.

Supervisors agree that time devoted to law enforcement gets folded into other activities such as fire suppression. This makes it hard to track. Law enforcement may be a logical part of a larger program such as fire suppression or the administration of the managed forest law. It may not be designated as a discrete activity and thus not recorded separately on an employee's timesheet.

I know that's what you're trying to do but law enforcement is in fire and MFL, and so percentages of that are in there. [...] I see LE as just a small program that is in one of the other three main categories.

Right. Things like investigations for illegal splits of unlawful contracts, things like that can be construed as administration, versus law enforcement.

Yeah, I think that up to the point that you get out the stick and threaten them with it, it's administrative. Even though they're in noncompliance you haven't really done any enforcement action except say, "You need to do this and you need to do that."

The reason I had mine so low is because it is folded into either fire or MFL. What I consider LE is if they're testifying or they're subpoenaed, so there is some investigation being done.

Violations: Timber Theft and Fraud

Timber theft and fraud are widespread and go largely unchecked.

Participants voiced significant concern about the theft of timber and the defrauding of forest landowners. This was particularly true for those with credentials. Non-credentialed foresters were somewhat less concerned and more philosophical about this. Staffers note that timber theft is a crime that pays: without investigation and prosecution there is little deterrence.

■ More theft.

We're having more and more timber theft investigations on a regular basis. Some of them are fairly straightforward. Seems that most of them are less straightforward than [ever before] and open to a lot of interpretation.

Timber is being stolen left and right and everybody is putting their head in the sand.

There are guys that are stealing. There are loggers that are cheating the landowner out of thousands of dollars and they make their living at it. It's an accepted practice within the logging culture.

Literally hundreds of thousands of dollars a year [are lost through theft].

It's worth it. It's definitely worth it.

■ Private landowners are unprotected.

We write all these management plans and ask them to practice sustainable forestry which includes timber cutting. And then they get sent to the wolves.

I hear that all the time. The private landowner doesn't know what it's worth and [swindlers] come in and buy it for half price. That kind of stuff.

I see the elderly get preyed on in our county big time.

■ Consultants can provide protection against fraud.

The fraud doesn't seem as bad as it was in the past, now that we have a number of consultants working in the county. Word gets out that these consultants can make you some money.

■ Little investigation or enforcement.

Some feel that theft and fraud are rampant in the woods and that forestry has turned its back on this problem. Staffers estimate that only a fraction of possible thefts are actually investigated. While it is difficult to estimate the ratio of investigations to thefts some think that only 10 percent of thefts get some form of investigation.

Some of the wrong people say timber theft doesn't happen here. It's easy to let that go.

I think there's a lot more that are happening out there, if we had time, motivation, the true need to get that issue addressed, we could drop that down to 20%. We would enforce 80%. You'd start to see the number of thefts drop.

There are a lot of cases—talking to [ranger's name]—the thief said, "I didn't think you guys would ever spend any time on this case, that's why I continue to do it. Spend enough time on it to catch me." The guy's right. The reality is that statewide, if there wasn't [ranger] there, the guy would still be running rampant.

[Name of participant] used the term 50 to 70 percent that we're not enforcing. I'd say the number is even higher. I'd say we're lucky to get involved in 10% of the total theft that goes on.

There were three or four sales that the guy robbed them blind and we couldn't prove anything. [Was he defrauding the consumer?] Absolutely. Fraud. Outright theft. Swindling.

Some believe that staffers turn a blind eye to theft and refuse to pursue the issue.

From a forestry perspective we put all our time and effort into maximizing productivity, to get a forest products end. It's that end that's being impacted by timber theft. There's an irony that the forestry staff tends to be resistant to taking enforcement action. Part of me says they put their whole careers into growing these trees to a merchantable size, and then some dog comes in and steals them from the people [our foresters have] been working with for 30 years. I'd think you'd have to hold them back. But that's the nature of the beast.

Others believe that theft and fraud aren't their problem.

Our mission is sustainable forestry. Who am I to say that guy didn't get fairly paid? I wasn't there. I didn't set up the sale. I didn't administer it. I'm looking at it after the fact.

I don't think it's our role to be judging whether or not the guy got paid less than he should have.

We've done it this way for fifty years. [Some say:] "Hey, the trees are still growing. Fires are still being put out. Why do you want to do something different?"

Landowners do not know what constitutes a fair price.

Most landowners probably don't sell timber more than once or twice in their lives and they don't know. There's a market for timber but it's not really a very open or well known market.

Everybody knows the price of a gallon of gas but nobody knows the price of a cord of wood.

For cars you have the bluebook to put it in the right ballpark. For houses you have real estate appraisers. For timber, there's nothing. People can be selling \$50,000 worth of timber for \$10,000 and have no idea they're doing it.

Forestry does not become involved in cases where a contract is in place.

[Landowners don't know] what a cord of wood looks like. They don't have a clue. So if someone comes in and says, "You got this and it's only worth this but I'm such a fabulous guy I'll give you this." [Landowners say] "OK." And they sign something. A lot of our forestry people say, "If they sign something, it's a contractual issue and we don't do contractual issues. Have a nice day."

■ Landowners need information.

And we never even hear about these because the prevention message from timber theft isn't out there or the notification of what the trees are worth isn't out there so from that aspect very little is done to educate the public. We try to educate them as much as we possibly can.

The program treats theft differently than it treats a fire.

Several participants noted that the forestry program readily mobilizes resources to fight fires on even small tracts of land. It has a plan that immediately moves personnel and equipment to the site. But theft from land of a similar size is left in the hands of a single ranger.

If an LE case comes before a ranger or forester they usually try to deal with it alone. Versus if that person had an acre-and-a-half forest fire going—they'd call in the cavalry. You'd have five technicians, an aircraft, two more rangers, and we'd all know about it. There's an organized event when we have a forest fire, which we do very well. But when we get a timber theft it's like this dark and dreary thing. "I don't want to cope with that. I gotta do MFL. I gotta do fire reports."

Would you put a resource order into your area ranger or leader [for a theft] and say, "I'd like to have four rangers and two wardens?"

No.

Program implications of theft and fraud

Why should the forestry program care if trees are being stolen, or landowners are being defrauded, as long as the timber is harvested and makes its way to market? Staffers made the following points:

- We have to restore the land that was cut.

We run into those people. You hate to say, "you got screwed royally." Then forestry is left to pick up the pieces from a forest management standpoint. "Now what are we going to do?" Now you'll have to pay somebody to get rid of some of these tops. How are we going to regenerate the stand and get trees back on to get to the point where we're going to have a [stand of timber].

- Theft may undercut their participation in the MFL program.

If they are in the MFL program it might have impacted their stocking and get [them] thrown out of the program and it will cost them more. The guy came in and said, "I'll give you so much for this timber." Nothing's marked and the guy goes in and just slaughters it. The stocking levels are now down below the minimum stocking levels we require for the MFL program.

- If they don't trust the loggers they won't follow the management plan; they will be reluctant to have their timber harvested.

You're going to ask the private landowner to cut the timber and trust the logger. But we're not going to watch the logger. For MFL, it's going to involve timber cutting. [The general public will say:] "I don't trust them. I'm not doing it. I got ripped off. What are you going to do about that?"

You have a resistant landowner that's against having a timber harvest. Whether it's because of being ripped off economically or the logger left ruts in the land last time or didn't clean up the hay field. They didn't do what they said they would do. I can see that causing landowners to lose interest in these events. Which makes our job even harder.

There's a public expectation that when they sell timber [they'll be ripped off], and I talk to lots of landowners. Everybody has got a bad logger story. Somebody got ripped off.

- It's plain bad management of the resource. It undercuts the objective of forestry.

Just make one point. This goes in the opposite direction of the main objective of forest management: to properly manage trees to maximize economic good. And yet it's the exact opposite of that. People aren't getting their money. [Loggers] are taking the best trees. They're not properly managing anything. They're destroying habitat, etc, etc. It's a major impact.

If we're looking at resource management, we're not being faithful to the resource by not addressing these issues, and they involve law enforcement, like it or not. So I really think LE is a direct resource management issue and we need to get it at the top level if we're going to make any kind of progress dealing with these issues effectively. My only fear is that it's going to be put to the back the way it always has been.

- Lack of deterrence means that theft can take root and spread.

Workload dictates whether you can do a decent job with that law enforcement. My opinion is that if you don't do a decent job, especially with timber theft in our county, [thieves will] just take over.

In a lot of cases it's the same guy, and they spawn the offshoots of their business.

MFL Enforcement

Failure to enforce MFL contracts may jeopardize the program.

A number of participants claim that the Forestry program's failure to enforce the MFL program is a threat to that program's integrity.

Accountability

The MFL program has given the forestry program an opportunity to guide forestry practices on private land. The program is, however, jeopardized when landowners are not held accountable.

I would say it's an outstanding program (MFL). It's enabled forestry to get involved in a lot of forestland in Wisconsin that we would otherwise not have been involved in. I think our effectiveness in helping to manage those lands is a function of the extent to which we stick to those standards. Which means enforcing them.

In some cases field personnel are unable to levy sanctions against those who violate their MFL contract. Some feel that they are limited to issuing multiple letters of warning but are otherwise unable to take effective action.

I think there are integrity issues. If you have a program and you have standards, to most people you say, "This is what you have to do if you go in the program." Well they don't do it. Then you have the few out there that say, "I don't feel like doing it, what are you going to do about it?" [We send a letter that says], "For the ninth and final time...." And nothing happens.

They [management] also have to understand that it's important to the administration of the program that people don't laugh at the rules. Landowners have a responsibility. They've been getting the benefits. They have to pay their share, too.

This toothless response causes some landowners to think that they don't have to comply and raises issues of fairness in the minds of others.

I think you have other people who say, "Well, I'm going to harvest because the program says I have to do a harvest and I don't want to do a harvest. I like my trees. And you said I had to do it or go out of the program, and now I'm seeing this guy over here and he doesn't want to do it and nothing is happening. What's going on?"

■ Private landowners' opinions of MFL enforcement

Interviews with members of WWOA suggest that they are concerned about the lax enforcement of the MFL program. They feel that there is a lack of enforcement and that participants are failing to comply with their management plans.

Let me throw a question back to you: with the MFL program really increasing and the DNR budgets decreasing, where's all this enforcement? They are behind now in enforcement in the MFL contracts. Where are we going? We're going in opposite directions.

It's a real serious problem, I think. It's kind of a sham. Talking to DNR people, the people get into [MFL] for the tax break. The township is not getting the money. The guy that's got it in MFL, he doesn't care about a management plan. He'll worry about a violation later on.

Barriers to Enforcement: Part 1

Enforcement does not fit comfortably within forestry.

Law enforcement and forestry may be viewed as two very different activities. Forestry, with its focus on the resource, is seen as a relatively predictable activity that is reasonably non-confrontational. It produces measurable results such as cords of wood. Law enforcement, by contrast, is unpredictable and its results are hard to measure. It involves extensive contact with the public and can be confrontational. Rangers write tickets.

Unpredictable

Forest management is a predictable activity that focuses on the resource.

Working purely in forestry you can plan what you're going to do. You can plan what you're going to do for five years. It's predictable. It's resource oriented. It tends to be fairly easy going.

Law enforcement is unpredictable.

Law enforcement is completely unpredictable. You can't foresee when situations come up. You can't foresee how complicated they're going to be.

Confrontational

Law enforcement focuses on people and it's potentially confrontational.

They're not easy going. They're confrontational. These situations are not resource oriented. They are people oriented. So in some ways LE is just antithetical to everything that people who go into forestry are interested in.

Enforcement is not a core task in forestry.

Some think that foresters find law enforcement distasteful and at odds with their vision of what they do, which is manage and enhance the resource, not manage and reduce crime.

It just kind of goes "BOOM" with those folks that think, "It's forestry. We help people. We plant trees. We're your friends. Call us and we'll help you. Do we have get involved in all this dirty business?" So there's a partial intellectual acceptance that this is out there but there's still a mindset that "this isn't what we do."

There tends to be a distaste for the kinds of skills and the way LE work has to be done, so I think there tends to be a general level of resistance. "Gee, do we really have to do this? Can't we just do forestry stuff?"

Barriers to Enforcement:

Part 2

Some employees lack confidence in their ability to enforce the law.

Law enforcement is an exacting job that requires mastery of a complex set of skills. Yet it comprises only one part of a ranger's position description and absorbs a small portion of a ranger's time. Rangers (and other staff) note that because they don't regularly perform these duties they don't become proficient in them. The result: a reluctance to engage in an unfamiliar activity.

Their common sense reasoning is as follows:

- When hired, they didn't expect to perform law enforcement.
- LE is a secondary part of their job.
- They don't do it very often.
- They don't become very good at doing it.
- They may not feel competent when they do it.
- As a result, some hesitate to do it.

Frequency

Participants repeatedly stated that law enforcement was only a minor part of the work that they do. It may be a seasonal task or one they perform only intermittently.

I think for the most part we spend maybe 10 or 15 percent of our time doing it. Maybe it's more for some folks. But for the most part we're foresters. We put fires out.

Proficiency

As a result they feel that they don't become proficient at the more complex aspects of this work.

LE is a small part of our job, and whenever you do something only a little bit, you can't ever be as good or proficient at it.

Your confidence level is not as high as for something you do all the time.

I still say one of the problems we have is this number right here [meaning the percent of their work time actually devoted to LE]. I don't know how we can be good, professional LE officers when we spend this much time doing it. That's a real challenge.

I think it goes back to what [name of participant] says, we're just not doing it on a daily basis, and that makes it harder.

NOTE: An interview conducted with a district attorney highlights the importance of competence in putting together a case that can be prosecuted. This attorney doubted that forestry staff had the skills necessary to bring such a case forward.

Consider the following:

Skilled investigators need to be familiar with and have a working knowledge of the statutes and have the investigative skills necessary to bring well prepared cases in for prosecution. [...] What little I know about the forestry staff, it just does not seem to me that they are comfortable doing the type of questioning needed, and they don't have the interviewing skills needed to develop a good criminal case. (John Weber / district attorney interview).

Reluctance

Because they don't do this work very often some hesitate to do it at all.

We just don't do this stuff on a regular basis so I'm a little bit less likely to do it because I don't know how. I don't know what path to follow.

Others commented on putting off enforcement because they don't like to do it or because they have other priorities (MFL, for example).

Kind of like [name] said, you know, it's—the ratio of what I do now is like 90 percent private and 30 percent county forest and another 15 percent state land, so there's not a whole lot of LE time in there.

Within the private forestry portion of it, managed forest law is—I mean it's the 800 pound gorilla now that kind of dictates how this thing works.

She was 900 pounds this morning.

Supervisory support and learning how to do law enforcement

With time, however, some people come to feel comfortable with their LE duties. New employees whose supervisors understand law enforcement can answer their questions, provide direction and give advice.

I've always had the support though. If I did feel uncomfortable or wasn't sure which route to take I've always had somebody to contact and to help me out with it. Now that stuff that was a challenge 10 years ago is a piece of cake. Nobody starts out with tons of experience.

Initial LE training does not provide the assurance they need.

I went to LE school and that was great background, that was great stuff. But then I was thrown into being a ranger and I've never written out a DNR citation. Thank goodness at my station I've had great supervisors and I'm the kind of person who will ask them a million questions.

Barriers to Enforcement:

Part 3

Staffers note that law enforcement was never one of their career aspirations.

Participants noted that they were schooled to manage forests, not to enforce the law. Few had any prior interest in enforcement and no expectation that they would have to do it. Yet this responsibility was thrust upon them when they entered the program. Some reluctantly accepted it as a condition for getting a job. Others simply ignore it.

Yeah, I was supposed to help out with enforcement but I kind of put it off and put it off. Because I think to be in law enforcement, you need to be doing it all the time. Being a forester, there's enough to do just doing forestry.

Career orientation

Participants say that they didn't stake out a career in forestry so that they could become police officers. As one noted they "went to school to be foresters and ended up with a badge." It wasn't something they would voluntarily choose to do. Only after they applied for a forestry position did they discover that this was an element of their work. One might imagine how law enforcement graduates might react upon being told that they were also going to forestry or fisheries management.

Most sheriffs, wardens and deputies nowadays have gone to school and choose a career in LE.

Most of us chose a career in forestry. That's what our interest was. That's what we went to school for. That's what we were trained for. And then we get hired by this agency and they say, "Oh! You're going to be a LE officer." They throw you in class. You come out and got a badge and now you got to go enforce the law. You didn't choose that as a career.

This person was never told that enforcement was part of the job.

When I was hired law enforcement wasn't even mentioned. In fact, I was in my position (x) years and then I got a note saying I was going to law enforcement school. There was no input there at all. They forced me into it.

Personal predilection

People who don't like to enforce the law won't do it. Effective enforcement requires enthusiasm and a certain type of personality. Where these ingredients are lacking laws aren't enforced.

There's no doubt at all. I see it in persons, people's character. I can think of a couple of rangers in the northwest part of the state. That's just who they are. They love doing it. And they delve into it. And they write all kinds of tickets. And there are others who aren't bent that way, and they do less of it.

People accept positions with enforcement duties for instrumental reasons.

People accept positions that have enforcement responsibilities in order to get a job or to realize other advantages—not because they have an interest in law enforcement. Their reasons include the chance to be in "protective status" or to be able to live in a certain part of the state. Such motivations are not a recipe for effective enforcement.

We hire foresters and then we make them into firefighters and law enforcement folks. I think it's fair to say that there are folks that took positions to be in a certain part of the state. They are there because they want to live in that town, and the job duties, well, it's either forestry or ranger, those are your two choices, so, "Well, I'll take this job but I won't do it justice."

Partners

Forestry law enforcement has partnerships with both internal and external groups.

Forestry law enforcement's internal partners include conservation wardens, legal staff, and some members of the environmental quality programs. Its major external partners are county sheriffs' departments. In general, participants characterize these relationships as positive.

Internal partners

Conservation wardens

Forestry personnel have called on conservation wardens for help with the full range of law enforcement activities. Wardens provide advice on evidence handling and interviewing. They serve as court officers and provide backup in dangerous situations.

Probably the people I work closest with internally are the two game wardens I work with. One of them I talk with almost daily. We discuss cases. He asks me questions. He's also my court officer.

More and more we're working with the wardens. Or the wardens are assisting us on the more complicated or larger cases. One of the most challenging things as a field forestry law enforcement person is that LE is just a small part of your responsibilities. It's really a juggling act.

The relationship with our conservation warden is really important because when you deal with complicated cases, arson, in-depth interviewing, those guys do it full time. We're only part time law enforcement officers at best. So working along with a conservation warden is a good thing, and most of those guys are pretty willing to help.

Wardens supply expertise and experience that even the rangers lack.

■ Advice

I use (the warden) a lot for advice. I go talk to him. I haven't used them on a timber theft case but I certainly would if I needed to. Mostly as an advisor: how to work with the court system.

■ Interviewing

I like to use [the warden for interviews], and the warden is very willing. You sit down and put somebody one on one in an interview and try to get them to confess. My major job is putting fires out and writing forestry plans. Maybe 10 to 20 percent of my job is law enforcement. These guys do it year round, full time. They are highly successful. They are trained in it. I think it's a big asset to me to have those guys help me out on those tough interviews.

■ Evidence handling

The other aspect too is dealing with evidence. [Casting] tire tracks and stuff because I've never done it. I have this stuff to do and you're still dealing with the fire or whatever ... investigator ... they were available and took care of that whole end of things and it worked great.

Air and Waste programs

Forestry personnel also work with Air Management (AM) on issues related to air quality. Rangers can't cite people for violating air quality standards. They rely on air management specialists to do that.

Air quality. I've got four counties going now. This year I've reported a case where somebody was burning oil filters at a sandpit operation, and the next day we had a major junk fire that involved 100 gas tanks and 1000 tires and seven fire departments. A week later we have someone burning a house illegally. They didn't go through the asbestos abatement stuff. They just torched the house. So I've got that stuff going on.

We got a good guy in AM, and every referral we give to him he follows up with a letter and a contact.

Rangers can't write citations for certain burning violations.

A lot of our burning violations are burning substances that aren't supposed to be burned. [...] Right now we can't as rangers say, "You're burning illegal substances. I am going to write you a citation for that." We've got to get someone else to come in to do that.

Legal staff

Staffers were also generally positive about the support they received from legal services.

With the legal folks in Madison, question wise, we've always had a good response back.

I've contacted the legal folks by e-mail and I've been surprised at how quickly and thoroughly they've gotten back to me on the questions I've asked. Wardens no different.

External partners

Sheriff's departments

Staffers also rely on county sheriffs. They provide assistance with arson investigations, timber theft, and burning violations. Like the wardens, they also provide backup in dangerous situations. Forestry staffers characterize their relationships with sheriffs' departments as active and positive.

Staffers defined a good relationship as follows:

A good relationship is where the county sheriff department would support some of our thoughts and ideas on a certain case. Poor would be counties, say where the DA or sheriff department says no, we don't mess with that. We don't have time for that. So we're not going to prosecute, so don't even bring it up.

I have a good working relationship with our sheriff's department.

I'm blessed with a good working relationship with our sheriff's department. It's something you have to build. It helps that the current sheriff used to be on a fire department and understands fire relations. It's just taking time to get to know people.

We have an extremely good working relationship with the sheriff's department but it's a pretty small group.

Pretty good relationship with the county deputies. They're a big help. They can even size up fires and take burning complaints.

Staffers described specific forms of support they received from sheriffs' departments. They note that supportive relationships are not automatic and must be nurtured.

Arson

If we have arson problems, and a lot of times they know about it right away, they'll be right there. They'll come and help us out with that. They direct traffic, stop people, as opposed to waiting until later. They've been real good about that. We work real close with them on timber theft, too.

Timber theft

We get referrals from the sheriff's department on timber thefts and sometimes we'll assist and let them have "the bean."

Most of my major cases have all been timber theft and there's been a county sheriff's officer with me on every one of those cases. The referrals initially came into the sheriff's department.

Burning complaints

Weekends during the summer, when I'm not around, they [sheriff's employees] will run the burning complaints. They'll FAX me a complaint sheet and they'll just take it. If they don't have anybody free they'll try to get a hold of me. Then I follow up on it. They tend to do that a lot. Middle of the night, too.

My county will send a sheriff's deputy to every fire call they get and ... almost 100% call in. Whenever they get a burning complaint or a fire they always send a deputy.

Region-Central Office Relations

Some say that support from Madison has improved.

There seems to be considerable sentiment that support from Madison has improved. The Central Office is more willing to take action on violations of the Managed Forest Law. In the past there was some concern that MFL cases simply sat, and that those who violated their MFL contracts would not be held accountable. Some continue to feel that Madison could be more supportive in this matter.

Past experience

In the past, regional staff felt that requests to withdraw people from the MFL languished in GEF 2.

I know that there is a lot of requests for withdrawal of MFL and FCL contracts that sat and sat and sat for a long time, and so then the field forester, of course if they would request something to happen and nothing happened. They do get disgruntled and wonder why should they spend the time.

As a consequence field personnel were reluctant to enforce the MFL program. To be fair, several employees acknowledged that some MFL plans were so poorly written as to be unenforceable.

In the [mid-90's] there was a unanimous feeling that there was no point in enforcing any of this stuff because they [central office] would figure out a way to negotiate around it. My foresters didn't have faith that they would carry out the removal from the program on anything. The penalty was so severe that Madison would do anything to avoid it. They'd do some half-assed negotiations and leave the forester looking like a Nazi.

Improvements

Some note significant improvements in the Central Office's performance in matters related to violations of MFL contracts. Pursuing people who violate the terms of their contract enhances the credibility of forestry personnel and the program. Landowners know there will be consequences if they fail to keep their commitments.

I think the attitude has changed in Madison quite a bit over the last few years, especially with the five-year moratorium to clean up our backlog practices.

That has really changed. It's changed because the people down in Madison are better and because they are saying we had better start enforcing this stuff or we're going to lose the program.

I think that situation has improved greatly, thus my FCL case is finally getting resolved. Once we got the hearing scheduled it finally showed this landowner that we were serious.

We have to prove that we're serious, and if we threaten to throw somebody out we have to start taking the steps to do it because otherwise they know it's a bluff, and why should they pay attention?

Private landowners suggest additional improvements.

Interviews with members of WWOA suggest other needed improvements. Some landowners note that the program's data base appears to be out of date. Consider the following:

It would be very nice if the DNR would get their data base up to date and if they got their data base working. Then you could pull down those in compliance, those who have had a job done, blah, blah, blah. But you have to have it all up to date.

One woman reported this comical exchange:

I got visited last year by a woman from the DNR who said, "Are you [name]?"

I said no—I don't think so. He died years ago. She's going, "This is how the data base reads."

I'm going "Hello."

Let's get [the data base] up to date. If they got that up to date they wouldn't have half the problems they have in terms of people for certification because it would be there to start with. They would have known that I own the land.

Continued lack of support

Others feel that when it comes to MFL the central office doesn't render enough support for the field offices. Field staffers are reluctant to enforce the MFL program because they doubt that Madison will support them. The MFL program has grown. This means the staffers in Madison may have trouble keeping up with violations sent in by field staff.

I want to add something on the MFL and compliance and non-compliance. One of the things that frustrates my staff is—and I'm not trying to be critical of the CO staff—they send in non-compliance information. And we don't hear anything back from CO for a long time. A case is old already and you need to eject these people from the program or do something. But it's held up in the CO. It sits in Madison.

That's a good point. The busier we get the busier they're going to get and I doubt they've staffed up for that.

I think there have been some cases where we've not enforced it because of the lack of follow through or perceived follow through.

There's a timetable to follow. And the timetable is stopped in Madison. You give them 30 days to come into compliance, and if it's sitting in Madison and nothing has been done, they're going to start the case all over again the next time around.

Management

Staff voiced doubts about management's understanding of law enforcement.

A number of staffers voiced doubts about their supervisor's understanding of law enforcement. This was particularly true for those whose immediate supervisor (i.e., team leader) lacked enforcement credentials and experience in law enforcement. The can't help their staff with law enforcement. So staffers must by-pass them and appeal to their area leaders for help.

Lack of credentials

I don't think I've ever had a supervisor who's got LE credentials which is interesting. They usually have no interest and don't see anything that I do and really don't care. So that's not a good situation. I never have felt that's been a good situation, but that's the way our department is set up.

Staffers seek assistance from their area leaders.

In reality, in forestry and in fire and forestry law enforcement, often times if you have an area ranger, he's not your direct supervisor but he has the law enforcement and fire experience and you go right around your team leader

Depending on their experience and background a lot of times you go around.

Team leaders who lack credentials are paid the same as those who are credentialed despite the fact that they have fewer responsibilities (i.e., not having to do law enforcement). Some participants think this is wrong.

Do we allow less able people to get the same money for having to perform less? I have a problem with that. [...] I have trouble with a two-tier team leader as a core program.

Lack of appreciation

Some think that their supervisors don't appreciate the amount of time it takes to engage in law enforcement. Supervisors want their staff to work on MFL or perform other duties. Staffers with credentials are frustrated that they can't pursue time-consuming forestry crimes such as timber theft.

I don't think they understand the amount of time required to pursue a complicated timber theft. I know that's very true. They just don't understand it. You can easily put 200 hours into a timber theft.

We sit in LE training every year in this building. You get these timber theft cases, and we get them year after year after year. And some of these people go into such a thorough investigation, I'm thinking, "Why can't I do that?" I'm not allowed to put in that kind of time.

That goes back to [the fact that] our direct supervisors don't have credentials. So they don't understand the difference between a burning without a permit ticket versus a timber theft ticket. Might be two hours in this case and 200 hours over here, and, in each case you end up with a citation.

Workload management

Staffers are not told overtly to avoid enforcing the law.

They never tell us not to do anything. If you need to do an arson investigation, go do it.

But make sure your other work gets done.

Yeah, they don't take any other work away.

Upper management

Some feel that people in upper level management don't understand the demanding nature of law enforcement.

To get back to your question about farther up the chain. I think the farther up the chain you go, the less understanding [there is] of how much work is involved in being a good LE officer, putting together a good case, knowing your business and doing a good job at it. You lose the reality of knowing that the farther you go up.

Management support

Some feel that management supports but does not understand law enforcement.

Overall I think management is very much behind us. They recognize the need for it. All the way up to the Scott Hassetts. They recognize the need for it. The farther you get up the chain, I think the less they realize how much is going on, but they'll support it.

I think we are really bottom driven by this [LE]. We don't get a lot of direction from the top down to make sure this is happening. This isn't part of our formal work planning. There's a little spot where we put LE. It's not a high priority issue. Whenever we've had an issue there's always been good support.

Some aren't sure what the program's priorities are and where law enforcement falls in the scheme of things.

I guess I'm not particularly clear where LE work falls out in the priority list. Is it a higher priority to meet my MFL deadline or follow through on a timber theft case?

I think one of the biggest issues we have in law enforcement needs to be to define what our role is, and that has to do whether it's civil issues or DATCP. There are people getting swindled out of timber. It's a big issue from the standpoint that it's widespread. And what our role is exactly, I'm not exactly sure.

We have a huge program. LE is an add-on for people rather than a part of their job duty. It makes it extremely difficult for that person to do a good job. To really know how to do the job right—and understanding that to be an effective LE officer demands a lot of time commitment to that role.

Priorities

Staffers believe law enforcement is low on the list of the program's priorities.

Core activities take precedence over law enforcement. Law enforcement isn't viewed as such an activity. The perceived priorities are as follows:

- Fire suppression.
- Managed forest law.
- County forest management.
- Other forestry law enforcement.

Once staffers finish these core activities they can proceed to law enforcement.

They've laid out the priorities—LE isn't in there.

It's falls to the bottom because of other pressures. Meeting county time standards and meeting MFL and meeting day-to-day fire suppression.

As far as priority, I think when that pager goes off that fire is top priority. No doubt about it. That's why we're here.

"Well, haven't you got that case solved yet? Haven't you got a suspect yet?" Well, I'm working on it. "Well, stop working on it. Your forestry work is more important."

The priority attached to core activities precludes the conduct of labor-intensive enforcement investigations.

I think day-to-day LE is [a priority]. But I think that something that's going to take some time is not clear. [What about a major timber theft?] Yeah. That's unimportant.

Time restraints prevented this ranger from following up on timber thefts.

A couple of cases that stand out for me were the cases I was never able to finish: timber theft cases, that got really big. It led to discussions of multiple violations. We were just never able to follow up because of time restraints.

The impact of the managed forest law on enforcement

The preparation of MFL plans, in particular, has taken precedence over forestry law enforcement.

My foresters, by workload analysis, are supposed to be doing 30 MFL's a year each. My guys are doing 65 plus. That leaves little time to do enforcement.

The managed forest law is the 800 pound gorilla that dictates how this thing works.

Law enforcement takes a backseat to the MFL. Staffers forgo enforcement in favor of preparing MFL plans.

For my supervisor a good thorough investigation is not as important as getting your MFL workload done.

Right, it does depend on your supervisor too.

Those [MFL] numbers are hard and fast. If you don't reach them there's finger pointing down in Madison.

I'd say if your tax laws are getting done—great. If your contractor plans are getting done—then investigate.

There are some people with the pressure of MFL who won't bill a person, won't cite a person. Because they know if they bill this guy, he's not going to pay; [they're] going to have to chase after him in court. They say, "It's not worth it." And they just walk away. That goes on and that's unfortunate but it does go on a fair amount. Because people are faced with this workload.

MFL is that ugly, growing mushroom in the closet.

We've got an example now where it's almost to the point where you're afraid to go in the woods because you're looking at the MFL deadlines and cutting notices that have to be checked.

Where do we stop our enforcement actions to meet our deadlines—that are written down, "You will finish by such and such a date."

MFL will itself generate a heavier law enforcement workload.

Actually there's a lot of LE involved with MFL. As the MFL workload increases so does the LE.

Talking about all these new MFL applications ... when we can barely run the program. The administration of the tax law program, which includes LE, is going to be twice as much time.

It's a law that has to be enforced. I think we need to understand that as a program. I think it's going to surpass our fire law enforcement.

Safety: Dangers

Enforcement is potentially dangerous work.

Danger was a recurring theme in these discussions. Forestry employees of all types (rangers, foresters, technicians) often run into unpredictable and potentially dangerous situations. They are trained and equipped to protect themselves from fire. They are not as ready to protect themselves against people.

Dangers in the field

Rangers, in particular, noted the dangers associated with public contact. They're unarmed, they work alone, and they "invade" people's spaces. They can't predict what or whom they'll encounter on the job. They deal with felons and with people who are upset or mentally unbalanced. Some feel that it's only a matter of time before someone gets hurt.

At some point somebody is going to get hurt. You don't want to be the person that calls doom all the time but at some point it's probably going to happen.

Two [encounters] that I can think of that were potentially life threatening. There were a number of cases where I literally fled the scene as fast as I could and drove away.

You realize that you've got a whole situation here that could unravel in a quick amount of hurry. You feel that you're pretty much at bay. I think we're all faced with that issue.

I think most of our rangers with any experience have been threatened at one time or another: either physically or verbally. It's always a concern of mine. So we have a policy of quick disengagement. Our protection is to retreat and to come back another day.

Forestry personnel often work alone and, as a consequence, are vulnerable.

I look at it from a private forester's standpoint. We work alone. My timber theft investigation: I do 99 percent of that alone. That's the biggest issue in law enforcement. Oftentimes we're out there by ourselves.

By the nature of our jobs a lot of time we are by ourselves. Even the rangers, they're by themselves a lot of times too.

There's a good potential [for trouble] because we're out there by ourselves with nothing. We've had individuals in situations where things can go bad in a big hurry.

■ Technicians

Technicians may be at even greater risk. Some expressed the view that technicians encounter the same problems or dangers but are less prepared for them than are the rangers.

I think the rangers are [prepared] but the technicians do the exact same thing we do but they get zero training unless their supervisor thinks it's important.

■ Women

A small number of men voiced concerns about the safety of women employees, recounting incidents or problems women had encountered on the job. The women in the groups, however, expressed no such concerns.

The female thing is a problem for me. Female foresters work completely alone. If one of my people would get hurt, nobody would know about it for days if they are single. That is a concern, so I've encouraged people to carry phones.

Some field personnel feel that management doesn't appreciate the dangers faced by those in the field.

As I look at our whole department, and this is the narrow-minded perspective that I see a lot of people believing, "Well, nobody's got hurt. What's the big deal?" The reality is that there's some serious potential.

Specific threats

Forestry personnel are on the scene because there's a problem, like a fire, and people are already upset and defensive.

Always a concern when you're dealing with people. You're traditionally on people's property when things have gone bad. Something's wrong. That's why we're there.

They are invading someone's space.

I think we're a little different than conservation wardens. A lot of our enforcement, especially in fire, is done on that person's property. We're invading their space, telling them how to conduct business on their turf.

■ Dangerous people

Forestry personnel simply don't know who they're going to encounter when they work in the field.

And I see the one crazy guy. He's waving this fourteen-inch knife and talking to the spirits and he's got a fire in his yard. Well, are you going to hand him a ticket? No. Put his fire out and the mail will work fine.

I've felt threatened. There are places that I go as a routine part of my business that I don't even drive in the drive without a gun [meaning a warden or sheriff].

■ Drug labs

Judging from the huge numbers of cold medicines I keep finding on state properties here in xx county, I assume there are METH labs. I worry more about stumbling into something like that.

■ Dogs as a menace

Dogs scare me.

I don't know how many times you pull in and these dogs—I'll just sit in the truck. I just wish I had something. Having to use my boot on them [is inadequate].

I've had dogs attack when I've been on snowshoes. I bust them across the head with an increment borer.

■ Felons

I've come across probably five people that had warrants, felony warrants, out for their arrest. Lot of times I'd call up the county after, and leave the scene and say the guy would only give me his name and DOB. And they say, "Do you still have this guy in custody? Where is he, we want to go and pick him up." You just don't realize it.

People don't know who they're going to have to deal with.

That's my fear with tower shots because you have no idea where you're going to end up. You have no clue.

I walked up to a trailer house this spring, beat up trailer house, knocked on the door. Slams the door and immediately starts swearing and screaming at me and my truck is about 100 feet away. I knew I was in a bad spot. If he had come out with a gun, there I stood. That's the kind of stuff you end up in.

Safety: Weapons

Staff showed little interest in bearing arms.

Despite the dangers they encounter staffers expressed little interest in carrying a gun or other weapons. Others doubt that wearing a uniform would improve their safety or effectiveness.

With respect to weapons they anticipate the following drawbacks:

- Weapons might escalate a situation.
- A police-like appearance might provoke rather than prevent a confrontation.
- Weapons are impractical given all the other gear they carry when they fight a fire.
- They would have to train regularly to maintain proficiency with the weapon.
- They would have to secure their weapon at all times.
- Practical alternatives are available; they can call upon a warden or sheriff to accompany them.

Appearance

Looking like a police officer (i.e., wearing a uniform, badge, and duty belt with pistol) can make people defensive and cause situations to escalate. The “friendly ranger” visage may be more calming.

The other issue is that if you come in with the uniform and the badge and the gun and sometimes that escalates things beyond what they do anyway. Because now we’re kind of seen as a firefighter, and we’re there to help you.

If you don’t look like a bad guy from the point of view of the public you won’t be treated like a bad guy.

I think that [the badge, etc.] makes them more at risk.

I agree with that. That it would be better to have the friendly appearance versus the cop appearance.

Because we always tell people that we’re in the DNR but we’re with forestry, so we’re the good guys.

No guns. I don’t know about guns. I think that would just escalate the situation.

Practicality

Given all the other gear they have to wear, a duty belt with a weapon simply isn’t practical.

And the practical reality is, with a radio and a fire shelter, plus your chest pack, you can’t keep your pants up. You can’t add a gun. We have to take care of the fire, then we’ll worry about the bad ass. We can’t physically address them all. [If you’re threatened by people] you get the hell out or you send more people in, or have other defensive means you use.

You can’t pack a gun along with all the other gear.

You don’t know. You walk in and say, “Should I have my duty belt on or do I put my fire shelter on so I don’t get burned up in this fire? Which one is more important?” I don’t know.

Training

More tools means more training. Some see this as a waste of time.

We're still going to have this problem with [LE workload] and then you're going to give us a gun and tell us we need to find more time to train to use it properly.

Some have a few staffers who want to carry a weapon, but they themselves resist the idea.

I didn't advocate that [the use of firearms] but I know that some of our field people have that view.

It's a minority opinion in my area but I have one employee who feels very strongly about it.

I think that there were plenty of situations where, when I was rangering, I wanted a gun. And now, in the role that I'm in, looking back, it's like, "No, I want to back off from that."

Weapons training

Issuing weapons would require significant additional training in order to establish and maintain expertise. Given all their other requirements there isn't time for this mandatory activity.

The firearm issue, I'm not supportive. We would have to have additional training to carry a firearm. Does our staff have the skills to carry that firearm and use it appropriately? To give our rangers a sidearm, I wouldn't be comfortable with that. I don't have time to do the training and start shooting.

Other tools

To be sure, a few people expressed interest in carrying firearms, while others felt that a belt with baton, handcuffs and mace might be of some help.

I'm not saying a gun necessarily. I used to carry handcuffs and about five years ago I was told to get them out of the truck. Because what do you do when you wrestle with a guy—and I've had to wrestle with people—and you get them down, now what? I've got to let go of them to talk on the radio, and now you don't carry handcuffs anymore.

Uniforms

There were also mixed feelings on the utility of having staffers wear uniforms.

I'm not an advocate of arming staff but I do think they need to be appropriately identifiable by their fire control equipment or, if they're doing a timber theft case, they need to carry their badge in a noticeable position or at least look official.

People would know who they are.

The uniform or the visible badge to show that you are an LE officer, that you're not just a DNR employee, or somebody coming onto your property unknown.

Having uniforms wouldn't do any good.

In no case I'm aware of where there was an incident or assault on our people, was there a lack of identity brought up. It's always been the big yellow truck is there, they know what you're there for, they don't come after you until you tell them, "by the way you're going to get a ticket." I don't think having fancy ass uniforms with Sam Brown belt does a bit of good. [what would?] I think the visibility we presently have—teach our people to extricate themselves—that they have time to deal with it.

I also agree I don't know of any instance when somebody was assaulted or attacked or given a hard time in a contact where their identify of being a representative of the DNR doing a job was the problem. They know who we are and they know why we're there. If you get belligerent folks, that's who they are, that's their nature.

Safety: Issues

Those in the field develop a variety of strategies to provide some measure of safety.

Field personnel are not totally or completely unprotected. They use a number of strategies that provide some measure of safety. These include close contact with their dispatchers, working in pairs, having at least a rudimentary “potentially at risk contacts” list (PARCS), and being able to call on sheriffs or wardens for assistance. They note a number of weaknesses, however: not every sheriff’s department can or will cooperate; communications can break down; and they don’t always have a complete list of PARCS.

NOTE: PARCS only works in areas where DNR maintains a dispatch center. It does not apply to the coop zones. So there is a limit to its utility.

Sheriffs and wardens

When staffers expect trouble they can take a sheriff or a warden along as a backup.

That’s why I like having a good relationship with the sheriff because I’ve been on things where there are folks whose car burned up and they ran in the house and locked the door. They’ll always send someone. I think of it as “that’s for the professionals to deal with.” The surly types of folks. We do so many things and it’s great, but being proficient at taking someone down, I don’t want to have to do that.

For one instance, this spring we had one of our rangers that came up to a house and felt a very threatening situation right from the beginning. So he called for a sheriff department backup. And even when he went back to issue a citation, or even a suppression bill, he had the sheriff backup along with him when he delivered it. There are a lot of safety concerns in addition to just field hazards, being burned over.

One important note: field personnel do not have uniformly reliable relationships with all sheriff’s departments.

My other problem is I work in four counties. In my primary county I’ve got a really good relationship with the sheriff’s department but that one township in [X] county. Sorry folks.

Nor do they always have the list of PARCS that the sheriff’s department has. The sheriff’s department may know who the dangerous contacts are but this information is not uniformly shared with DNR field personnel.

Most of these bad characters the sheriff’s office knows about them, and it’s in-house stuff. But we don’t have access to that knowledge. Sometimes we do. There are other people they all know about-- but we don’t know about it. And you walk in cold blind.

Most of these crazies are known by the sheriff’s office dispatch, not our DNR dispatch.

The sharing of knowledge is what has to happen.

Pairing up for protection

Operate in pairs.

One of the things I’ve seen in the last couple of years, in my role, what has changed, especially from a fire response perspective, is we have more than one person in the vehicle at a time making the contact. So forget the gun, double up the personnel.

We’re not armed officers. So there’s a security safety concern. If we double up, triple up—not only from a safety standpoint, working together as a team attack these things—but what’s worked very well for me in the past is, I become three times smarter than I ever was when I have a second person with me.

Maintain contact with dispatchers

Yeah, no matter how minor it might be. I think we have a very good dispatcher who feels that it's his role to monitor any public contact [which] any technician, forester, forestry ranger is making. If that person lets him know, he feels an obligation then.

Our dispatcher, if we've gone somewhere, we report that we're on the scene, they're always checking in to make sure. They don't let an hour go by before they find out what happened and what's the status of this case.

Not everyone stays in contact with the dispatcher.

The foresters are not nearly as good about saying they're in service, going over here and going over there. They just take off and go. They've got the radio in their truck, and I'm not even sure they turn it on some days. In the summer, during fire season, they always have it on.

My tie to the sheriff's department via radio is excellent. My radio communication with my DNR dispatcher has major gaps in it. I've built up a good working relationship with the sheriff's department dispatchers. They know if I call for help I'm serious.

Sometimes communications gear simply doesn't work.

We have radios in all our vehicles. We have cell phones. But where I'm at, a lot of times the radios and cell phones don't work. If something would escalate you might as well throw your cell phone at the person because it's not going to do anything for you.

Current Training: A Critique

Training takes too long and does not prepare staffers to enforce laws related to forestry.

A number of participants feel that current law enforcement training misses the point. They say that it prepares them to be “street cops” but is otherwise irrelevant to their forestry enforcement duties. General training in law enforcement does not prepare them to enforce the rules and regulations specific to the forestry program. They reiterate that enforcement is only a small part of their job. Training can help compensate for inexperience and the relatively infrequent application of enforcement skills.

Critique of current training

Current training does not prepare rangers to enforce laws relevant to the forestry program. The current 520 hour course contains too much material that is largely irrelevant to forestry law enforcement. “Street cop” skills are different from forestry law enforcement.

I guess my point was we spend 13 weeks in LE school learning how to do traffic stops instead of how to do timber theft cases.

I can just kind of punctuate that with a comment I heard from an area forestry leader that, he [learned]: you knew how to cuff them and stuff them but not how to write out a burning citation.

Foresters’ lack of legal knowledge also causes problems. They need applied training too.

I’ve beaten my head against the desk when I get the case after things went bad because the local forester wanted to smooth things out. They just made my work double hard. We have courses for first responders for medical emergencies. Foresters are going to be the first responders for violations—especially timber violations—and they need some of the basics. What to look for to see if there is a violation.

Some note that they don’t know the laws they are supposed to be enforcing.

One thing for training would be knowing these laws in and out. I barely know these laws. We spend all this time in LE school talking about criminal law, which is important, but these laws in and out I don’t know.

A reminder: staffers don’t practice law enforcement often enough to become truly proficient. Participants feel that additional targeted training would help to overcome this deficiency.

It pertains to time constraints. We have people in the program being tasked with being experts in everything but they are the master of none.

Having all the responsibilities that we have for a huge program, LE is an add-on for people rather than a part of their job duty. This makes it extremely difficult for that person to do a good job. And to really know how to do the job right and understanding that to be an effective LE officer demands a lot of time commitment to that role.

Inadequate training results in failed investigations.

Some rangers noted that a lack of practical training made it hard to do their jobs right. Newly minted rangers don't know how to enforce the rules of the program so that they "botch" investigations. Their initial training, for example, does not prepare them to deal with timber thefts.

Many times it occurred to me after I went through 400 hours of LE school [...] that there were many times I wasn't prepared, or didn't have the knowledge of what it was that I was supposed to be doing. Especially as it relates to CH 26 or any type of timber-theft related event. I botched several timber theft cases during my early tenure at [name of location] and felt bad about it because I didn't know what to do.

Training Proposals

Develop short courses related to forestry.

Participants felt strongly that the DNR should improve training in law enforcement for everyone, meaning rangers, technicians, supervisors, and foresters alike. They believe that time and money must be allocated to support such training.

Specific suggestions include:

- Create LE courses targeting forestry.
- Shorten the courses and open them to all personnel.
- Provide refresher training at the team level.
- Make the training “hands on.”
- Supplement this training with guides on how to perform specific enforcement actions.

A number of participants agreed that the program should have a short course focused exclusively on forestry law enforcement. Both rangers and foresters (and their non-credentialed supervisors) would attend this training.

To me the best solution, and I don't know if it's possible, would be to develop a short course. A short LE course for non-credentialed forestry employees. Eighty hours or forty hours. They sure don't need full blown credentials. But they should have something.

If you could come up with a 240-hour academy that relates to incoming forest rangers, to learn the basic skills of what their job and their expectation is, separate from felony traffic stops and drunk driving cases.... Do I think that's of value? I think that's of great value. To have something to that degree, whether you're credentialed or not.

This supervisor notes that the 520-hour course contains a lot of material that is largely irrelevant to forestry law enforcement. They would support a shorter course focused on forestry law enforcement. The long course wastes time on skills that forestry personnel don't need.

There's so much of this basic — the traffic stops, and all these things that are not related to our jobs. If we had the forester/ranger type 240 hours [of training] I think it would be great and also I'm going to go back to what [name of participant] originally talked about. It's even a more basic training for the non-credentialed people just-- to get the background in LE.

To me something customized along those lines, no matter how many hours, would be much more beneficial.

Include non-credentialed personnel in this training.

Expand the training to include non-credentialed supervisors and foresters. A forty or eighty-hour short course could impart the basic knowledge and skills needed for forestry law enforcement.

The team leader doesn't have the background and training to do the investigating. If it's a citation he'll write down all the information and give it to the ranger. He really doesn't have the technical skills to do the job as far as LE. The same way with the traditional foresters who do MFLs. They haven't had the LE training to follow through on an MFL violation. Something like that [training] would be very valuable.

The benefits of additional training in law enforcement

People will have more confidence in their LE skills once they've had such training.

I think the more exposure we have to law enforcement, even through simulation or training, the less scared we're going to be. We're not going to be terrified to start investigating and we're going to know the right questions to ask, we're going to know the right things to say, and the right pictures to take and [how to] work in conjunction with a partner or someone.

Format: training should be hands on

Participants said they get the most out of hands-on training. Listening to someone talk in a classroom doesn't help.

We get our LE training in a group setting, and you can have Randy Stark give you the Reid method of interrogation. But until you take that and implement it, it's like learning computer stuff: you can sit in a room, but if you're not clicking along, connected, you get nothing out of it.

The majority of the people in a ranger spot learn better by doing than by sitting in a classroom. If there was an opportunity to get the training outdoors that would be better. The "wildfire cause and origin determination" class was the best class I ever took.

Some suggested that the format used to teach fire fighting should be applied to the teaching of law enforcement.

We do a lot of fire training, simulators, and mock fires and stuff of that nature. Maybe we need to focus more on LE and LE training on an area level or on a regional level. Do some enforcement training that way and, just as we have everybody involved in the mock fire simulation, get everybody involved in LE issues.

Training content

Of course, staffers want training that will improve their personal safety, but they say it's rarely offered. They add that this training mustn't be offered only to rangers or foresters. Non-credentialed supervisors and technicians will benefit as well. If non-credentialed supervisors took re-certification training, for example, they would gain a better understanding of law enforcement.

Situational awareness

We talk about SA in every single fire class. Being aware of what's going on with the fire. Well, now we have to expand that training to "what's going on with people?" The fire's out. As I drive in the driveway what's this [situation] telling me? Are there seventeen rottweilers ready to jump over the fence?

I'm talking about putting two and two together. "That's a funny smell. That's a weird looking vehicle." [Be alert when you] stumble in some place and you hear a police scanner going in a dirty shack out in the middle of somebody's pothole woods.

Interviewing

Interviewing, you've got to do it. And it would be nice to have that coach, the skilled interviewer, behind you, [saying], "OK, did you notice when the guy did this? You had him. All you had to do is jerk a little harder."

And you have to do it, too. Interviewing is a skill you have to do to become good at it.

You know it's not a [misguided] stereotype that, as a group, foresters are sometimes less outgoing and less skillful with language. And also diplomacy is not [one] of their strongest points.

Investigation techniques

They need intensive training in specific investigational techniques. They don't routinely get it.

Who here went out and made tire tracks casts in snow down at the ranger station? I bet half of you in the room didn't. So it tells you how long ago we actually got hands-on physical evidence collection [training]. And that was extremely valuable.

I really think our training needs to be more oriented towards the more methodical ... approach, where it's going to take you months, maybe, and lots of interviewing, cross-interviewing and all that.

Defense / arrest tactics

Personally, I would be all for the defense/arrest tactics. Just the self-defense refresher every couple years.

Provide "how to" enforcement manuals.

There was some interest in having a manual to guide foresters through certain types of investigations.

Moderator: Groups have brought up the concept of having a manual on how to do a timber theft investigation: "Here's the law, here's the points you need to prove." Would this be something of use?

That would be awesome.

If we had that for fire laws and timber theft I think that would be a real big help.

You ever use the jury instructions? Those work real nice.

The "enforcement" chapter in the tax law handbook is more like that now, and over time that has been more helpful, because you used to have to remember how to do that.

Credentials for Team Leaders

Some participants believe team leaders should have credentials.

Some participants think it's important to have team leaders with credentials. Without credentials, or at least rudimentary training in enforcement, leaders can't help the people they supervise.

Area leaders fill in when team leaders lack credentials.

When team leaders don't have credentials their staff are forced to rely on area leaders who do.

Their immediate supervisor doesn't have credentials. They can't go to them. So then it's my job [to help out, for] which I felt a responsibility. At first I blew it off, because I had other things to work on: "Take care of your case — you're an LE officer. Do your job." Then I'm thinking, "No, somebody needs to help do some coaching, [get the officer] off the ground a little bit," and that falls on me then because a team leader doesn't have that background.

Credentialed team leaders add value.

Several supervisors expressed the view that there's a value to having a team leader with credentials. While they might not favor making this a requirement for the position, they themselves would make an effort to hire someone with credentials if they had a vacancy. The advantage is that team leaders with credentials can fill in for vacant ranger positions.

There are two of my team leaders who happen to have credentials, which is extremely valuable to me, because when I have vacancies in the ranger ranks, they can cover the bases there. They can write the citations.

And I will support that it's very value-added to have a team leader that has credentials in the background.

Highlight the importance of law enforcement.

Having a person with an LE background in the team leader position highlights the importance of LE.

I think it's a very great advantage to have that [LE] background, and it also sends a bit of a message that enforcement is important and is part of the core program. It's not something we can either pick off the shelf this week or leave it there when we are uncomfortable with it. It's part of the job. You're uncomfortable? You gotta become comfortable.

This allows this supervisor to exercise more strategic direction rather than be involved in the details of an actual investigation.

Now from my position, with them being able to do the on-ground technical citation writing, I can more manage how the citations [are] getting written, what are cases worth getting involved in, how much should we get involved in it, what resources can I provide to them to get the job done, and those kind of issues.

Provide enforcement training to non-credentialed team leaders.

Some team leaders without credentials want, and would benefit from having, some form of LE training. Again, a two-hundred hour short course would help team leaders support the LE portions of their programs .

*But they [team leaders] have both expressed frustration that they don't get **any** basic LE training. They don't think they need full-blown credentials, but they need **something**, especially when they are filling in for rangers. They haven't even been given the basics on what information to gather. Hopefully they get it from me, but [it's not] official.... [They're not fully equipped, trained, prepared to do the work they are thrust into?] Correct.*

Moderator: Correct me if I'm wrong, but isn't there a statutory exemption for forester/rangers for a 240-hour basic?

I would jump all over that. That would be a great thing.

Forestry Technicians

Technicians lack training in law enforcement.

The interview with forestry technicians highlighted training needs that should not be overshadowed by the earlier, general summaries. Key among these: hands-on training in law enforcement.

Involvement in law enforcement

Technicians' duties vary by station but typically seem to involve fire suppression and preparation of MFL plans. Some technicians have little or no involvement in law enforcement. Others, however, find themselves collecting evidence and referring cases to rangers for action. In places where the ranger position is vacant, they may become de facto rangers. These technicians certainly need more law enforcement training.

■ Law enforcement duties

Technicians, like foresters, rely on rangers to write the actual citation. At stations where the ranger position is vacant they find themselves performing that position's duties — including those related to law enforcement.

We do have law enforcement responsibility without writing the actual citation. That's where we say, "We can scold you for that, but I have to get the ranger to write you the actual ticket."

We're filling in a fair amount for the forest rangers when they're gone, or whatever. A lot of technicians end up being rangers.

With the vacancies, some people have been in those positions for one to three years with no forest ranger at a certain station.

Where they don't routinely perform law enforcement functions, they say that even their minimal skills atrophy. In this they echo the comments of rangers and foresters about infrequently used skills.

It's like a lot of things in life. The more you do something, the more comfortable you are with it. Your law enforcement skills never become really good.

At last count there were 98 technicians. How many of those technicians had that type of [LE] training? There's been very few that have really had any.

Dangers in the field

This group of technicians seemed less concerned about personal safety when dealing with the public. They raised another set of issues.

■ Angry people

I've encountered some pretty hostile people. Frequently they're embarrassed and mad at themselves, so they're instantly mad at you as well.

Over the years it seems like those ... encounters, and those ... people, not in good control of themselves, [are] increasing.

■ METH labs

What causes me more concern is the information that has come out about METH labs out in the woods. The chemicals they use are really dangerous. The people that are making it can be really unpredictable. That causes me more concern than anything in the public contact work.

NOTE: Some technicians appreciate the ad hoc PARCS list that their dispatchers maintain.

Training needs

Technicians named some law enforcement skills they would find useful. They also expressed a strong desire for hands-on training, beyond lecture and observation. They prefer simulations.

■ Interviewing skills

The only interview skill I have is to carry a long-handled shovel. Between dogs and unruly people, that's the first thing I take.

I would think interviewing techniques — how to talk to people—[would help]. Real often we're the first group they talk to.

As a first responder that would be useful [to me].

■ Fire investigation

The investigation part, fire investigation, would be very useful. Interviewing and interrogation techniques would be helpful.

It would be nice to know what we're doing. More professional.

At least the basics in fire investigation, verbal judo, and interviewing skills — those three things.

■ Evidence handling

You might consider evidence preparation as well.

Technicians, like the other groups, prefer hands-on training to lectures in the classroom.

A couple of days [of training] might be really nice. It could be done more at the local level where each person could have a little more hands-on, instead of having 50 people in a room trying to crowd around and look.

Technicians add that their actual chance for training is limited by program budgets and the attitudes of their supervisors.

There's a debate about training: it costs money.

It depends on where you're working in the state and who your direct supervisor is. Some supervisors are very into that and some are not.

Regional Investigators

Regional investigators could take the lead on complex and time-consuming investigations.

Moderators explored participants' reactions to the idea of creating a role, say, regional forestry enforcement specialists, similar to the role of environmental wardens. Participants were generally, but not unanimously, in support of this concept.¹

Given workload, lack of expertise and disinclination, many participants value the idea of having expert support for enforcement. They see the forestry enforcement specialist supporting, not supplanting, local law enforcement.

This concept aroused some concerns. The position of enforcement specialist must not become a dumping ground for cases that local staffers simply do not want. Foresters said that some employees might offload law enforcement onto the regional specialist. Others felt that positions devoted to "core" forestry work should be filled before new positions are created. As an alternative, the forestry program could hire contractors to handle certain LE cases.

Any special LE team must not eliminate the responsibility of local foresters to perform LE duties. Those with no taste for law enforcement cannot offload it onto regional specialists.

And if you bring somebody in, there's got to be a learning component for the local. There are individuals who want to abandon ship and give it to somebody, [saying], "Take it away from me."

I think that my folks, well first of all they would prefer not to do any investigations if they didn't have to. I know that I've had the guys ask if we can't possibly get people to dedicate themselves to doing a lot of these investigations. So when they find a landowner

that says, "Nope, I'm not going to follow through with my management plan," that would be the point where we would turn it over to somebody else to do the follow-up work. I don't think that that is a viable way to go, and I think that it still needs to be done with our local staff.

Support regional enforcement staff

If we had someone to target those types of things [training and investigations, who] would be available at the regional level to help out with that workload, that would be great.

If we could have a regional person to go to, to lead a complicated case, it would be great.

A unit like that could serve as kind of a buffer for some of that unpredictability associated with LE which is what makes it not fit. To have a unit like that, you're saying, "We accept the fact that we have some LE responsibilities...."

We talked about how to get through these very difficult and challenging timber theft cases because we do have other workload.... We have forest fires, and sometimes the MFL gets to the point of critical and emergency because of the deadline. To have staff that has the attitude, the expertise, or the willingness to [pick up LE would help]. To work on enforcement. To feel comfortable with — [let alone, be] aggressive.

If we had somebody to go to. We talk about the coop positions. If we had somebody who could pick up these cases. Stan, if I remember right, when you came and talked to us, you kind of were the supervisor of EE wardens, and when you were done I was thinking, "We need that in forestry." To me that's the missing link that we don't have in forestry law enforcement.

These forestry enforcement specialists could also serve as trainers.

Those [regional enforcement specialists] could also be your cadre to run this academy.

¹ Of the 65 persons interviewed only one said no to the concept and two stated the investigator positions should not be filled at the expense of existing positions.

Fulfill enforcement responsibilities through partnerships.

One person suggested that law enforcement obligations be fulfilled by working with others, people either inside the DNR or outside, meaning private contractors.

I would say that don't lose sight of the fact, like all of our other workload issues, we have other people that can assist in doing some of this. We don't have to do everything. Maybe partnering with other people: wardens, sheriffs, other foresters, or maybe there's consultants that do this, too. But don't lose sight of the fact that there could be other people that [we] could be working with to accomplish our goals.

Create new positions with caution.

There is some skepticism about an approach that creates new positions when existing "core" work isn't being completed.

It's kind of difficult to add somebody to be doing things like law enforcement when you know right now that your staff is overworked because you're not filling current vacancies.... So don't lose sight that there's core work that needs to get done.

We've created a ton of positions in Madison ... [yet] we're still floundering out in the field with added workload and not getting [work done].

PARCS

Create a database that contains “at risk public contacts.”

Field personnel repeatedly commented on the dangers involved when contacting an unknown and sometimes unfriendly public. One law enforcement tool commonly used to cope with this uncertainty is a list of “potentially at risk contacts” or PARCS. Using PARCS, dispatchers can tell their personnel when the person they’re contacting has a troubled history. Some dispatch centers maintain informal lists. Others call on county sheriff dispatchers for information. There is, however, no comprehensive, statewide list. Personnel expressed interest in developing a PARCS list to improve their safety.

Lack of contact information

For now, this information is not uniformly available. Some people have warnings and some don’t:

I can guarantee you that I can call in a fire number and no one is going to come back and say, “Better not go in there.” I’ll place a wager on that, boys.

Some departments can provide useful, detailed information.

The sheriff’s department’s dispatcher will come back and say, “Watch out for this guy. He has a little Chihuahua that will come out and nip you in the ankles.” The information is right there and readily available. I think that information is important, given that we’re unarmed officers.

Sheriff’s departments know about PARCS but rangers and other personnel don’t have this information

Most of these bad characters—the sheriff’s office knows about them and it’s in-house stuff. But we don’t have access to that knowledge.

Most of these crazies are known by the sheriff’s office dispatch, not our DNR dispatch.

The sharing of knowledge is what has to happen.

Not all sheriffs’ departments can provide such information.

I’ve requested something like that from the sheriff’s department to see if they had an in-house list. That was almost a year ago, and they are still working on coming up with one. In-house, I haven’t seen anything.

Drawbacks

Such a listing of at-risk contacts might be useful but raises issues of maintenance and confidentiality.

I think it would be useful. How would you maintain it? How do you involve other agencies in the sharing of some names?



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PUB-SS-1007 2005

